

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESSICA ROSE MENTH

Defendant.

CR-22-05-H-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 30, 2023. (Doc. 69.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 29, 2023. (Doc. 68.) The United States accused Jessica Menth (Menth) of violating her conditions

of supervised release by using methamphetamine on two separate occasions. (Doc. 58.)

At the revocation hearing, the government proved by a preponderance of the evidence that Menth had violated the conditions of her supervised release by using methamphetamine on two separate occasions. (Doc. 79.) Judge Johnston found that the violations proved to be serious and warranted revocation, and recommended that she receive a custodial sentence until 8:00 a.m. on September 20, 2023, with 34 months of months of supervised release. Judge Johnston also recommended dthat immediately after Menth's release on September 20, 2023, Menth's father should transport Menth to the Badlands Recovery Center in Glendive, Montana. Menth should be required to successfully complete a 28-day inpatient substance abuse treatment program at the Badlands Recovery Center; and that Menth should also successfully complete the drug court program administered in Lewis and Clark County while on supervised release(Doc. 69.) Menth was advised of her right to appeal and her right to allocute before the undersigned and waived those rights. (Doc. 79.) The violations prove serious and warrant revocation of Spotted Bird's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 69) are **ADOPTED IN FULL. IT IS FURTHER**

ORDERED that Defendant Jessica Rose Menth be sentenced to the custody of the United States Bureau of Prisons until 8:00 a.m. on September 20, 2023 with 34 months of supervised release to follow. Immediately after her release on September 20, 2023, Menth's father will transport Menth to the Badlands Recovery Center in Glendive, Montana. Menth should be required to successfully complete a 28-day inpatient substance abuse treatment program at the Badlands Recovery Center. Menth should also successfully complete the drug court program administered in Lewis and Clark County while on supervised release.

DATED this 14th day of September, 2023.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge
United States District Court